

APPEAL NO. 040160
FILED MARCH 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 11, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____; that the compensable injury of _____, extends to and includes an injury to the claimant's lumbar spine; and that the claimant had disability from July 17 continuing through September 30, 2003. The appellant (carrier) appealed, arguing that the injury, extent-of-injury, and disability determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust. The appeal files does not contain a response from the claimant.

DECISION

Affirmed.

The carrier did not dispute that an incident occurred at work. The claimant testified that she injured her heels and her low back when she was struck by a "tugger," (a piece of machinery) which caused her to be pinned momentarily between the "tugger" and a "cherry picker." The carrier contends that the actual impact of the tugger did minimal damage to the claimant's body and does not amount to a compensable injury. The hearing officer did not err in making his injury, extent-of-injury, and disability determinations. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**JIM MALLOY
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge